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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,356	03/06/2006	Nobuo Oyama	2005_1100A	1114
513 7590 07/21/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
GREENE, DANIEL LAWSON				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
07/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Amendment

1. The reply filed on 3/23/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly submitted claims 7-12 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claims 1-6 were directed towards a "system" and in the response received 9/19/2008, Applicant elected Species b, set forth in originally presented claim 5. In said 3/23/2009 response, Applicant cancelled ALL previously pending claims and introduced NEW claims 7-12 directed towards a "method". Applicant also presented arguments alleging how the new claims overcome the contentions set forth in the previous Office action mailed 12/23/2008.

The "system" originally presented in claims 1-6 could have been classified in, for example, Class 708/134, while the new "method" claims 7-12 could now be classified in, for example, Class 705/44.

- Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7-12 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
2. Since the only claims in the application have been withdrawn for the reasons set forth above, the application is being returned to applicant for further consideration and reinstatement of claims that read on the originally presented invention.
 3. See 37 CFR 1.111.

4. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./
Examiner, Art Unit 3694
2009-07-20

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694